

FILED
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CLERK, Magistrate Case No.
SOUTHERN DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Humberto MALDONADO


Defendant.

BY)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C., Section 1326;
) Deported Alien Found in the
) United States
)
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about, **October 23, 2007**, within the Southern District of California, defendant, **Humberto MALDONADO** an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Gladys M. Martinez, Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **February 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On October 21, 2007, the defendant identified as, MALDONADO, Humberto, was apprehended while walking alongside Interstate 8 Highway and Buckman Springs Road, Tecate, California by a Border Patrol Agent. Upon questioning the defendant admitted to being a citizen and national of Mexico without any documents that would allow him to enter or remain in the United States legally. Defendant was placed under arrest and transported to the Campo Border Patrol Station for further processing. After official biographical and biometric information was entered into the processing systems, it revealed the defendant to be a citizen of Mexico, with an outstanding warrant. The Patrol Agent verified with the California Department of Corrections in Sacramento and confirmed the warrant was still active. Defendant was turned over to the Sheriffs Office and booked into the San Diego Sheriff Central Jail and an Immigration Hold (I-247) was placed pending his release from jail.

On February 7, 2008, the defendant was transported to the United States Immigration Customs Enforcement Field Office in San Diego, California, for further investigation. Record checks revealed the defendant to be a citizen of Mexico having been deported or removed on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant has been ordered removed from the United States by an Immigration Judge on or about December 7, 2006, via the Nogales, Arizona, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT and Automated Fingerprint Identification System IAFIS were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, MALDONADO, Humberto, a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.